

(1) Second Account and Status Report of Conservator of Estate and Petition for Settlement Thereof, (2) for Compensation for Conservators of the Person and Estate, and (3) Compensation for Attorneys [Prob. C. §2620]

Age: 41	<p>WESTAMERICA BANK (Trust Officer: Catherine S. Johnson), Successor Conservator of the Estate, is Petitioner. (County Bank was appointed 9-2-08 and acted until acquired by Westamerica.)</p> <p>EDWINA WOOLARD, Mother, continues to serve as Conservator of the Person (appointed 11-17-88).</p> <p>Account period: 9-1-09 through 8-31-11</p> <p>Accounting: \$ 1,192,968.31 Beginning POH: \$ 941,405.86 Ending POH: \$ 842,580.03 (\$27,151.37 is cash)</p> <p>Conservator of the Person Edwina Woolard: \$1,800.00 (120 hours @ \$15/hr)</p> <p>Family Law Attorneys Lerandean & Lerandean, LLP: \$12,862.50 (Balance due for legal services in connection with Family Law case # 09CEFL06280 involving a domestic violence restraining order and child custody and visitation involving Conservatee's youngest child Samantha (3). There is a current restraining order protecting Conservatee from her former live-in boyfriend and father of Samantha that expires 11-4-12. Per Declaration of Attorney Paul Lerandean, fees totaling \$20,242.50 were incurred, and \$12,862.50 remain unpaid. \$7,380.00 was authorized at the last accounting. The declaration describes the legal services rendered, and describes that the firm spent more time than usual, but this was necessary and reasonable due to the Conservatee's limited mental capacities and the nature of the proceedings.)</p> <p>Probate Attorneys Baker Manock & Jensen, PC: \$39,130.50, plus costs of \$750.00 (Court filing fees) Declaration of Attorney Jeffrey Jaech describes that until a life coach was hired for Conservatee, their office, Specifically paralegal Sally Ladd, was required to deal with a "whole assortment of problems" of Conservatee and her children. Conservatee often refused to communicate with her mother (Conservator of the Person) and therefore, contacted the law firm for non-legal problems.</p> <p>Petitioner expressed concern regarding Conservatee's income vs. expenditures and has made changes that will result in significant savings, including:</p> <ul style="list-style-type: none"> • Instead of a nanny at a total cost of \$54,717.86 for 11 months, Conservatee's youngest child is now in pre-school (tuition \$5,800.00/yr) • Instead of a personal housecleaner at \$25/hr working up to 2 days/wk, Conservator hired a cleaning service to come once a week @ \$175.00/wk • Due to serious Conservatee's difficulties in coping with day-to-day problems, such as plumbing issues, etc., as well as budgeting her allowance, she was contacting the law firm for many non-legal issues, incurring fees. Conservator hired a Life Coach, Michelle Biggs, who meets with Conservatee weekly to assist with various tasks and issues. Conservatee now calls Ms. Biggs when she needs assistance with everyday issues. <p style="text-align: center;">SEE PAGE 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
DOB: 10-27-70			
Cont. from 011812			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			W
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
✓ 2620(c)			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc

Reviewed on: 2-1-12

Updates:

Recommendation:

File 1 - Hood

SUMMARY (Continued):

Conservator of the Estate Westamerica Bank: \$17,870.03 (1% of the average market value of the estate) Declaration of Catherin S. Johnson, Assistant Vice President and Trust Officer, describes that the Trust Officer monitors the investment strategy and allocation of assets in light of objectives and cash needs of the conservatorship. The declaration states the bank reviews and approves proposed trades presented by Wright Investors' Services and initiates trades for mutual funds. In addition, the bank is responsible for the Conservatee's tax returns and engaged a CPA to prepare the returns. The bank spends time gathering and sending the information to the CPA, and later reviewing, signing and mailing the returns, and also responds to inquiries from IRS or FTB, or contacts the CPA to assist in response. The bank also engaged a CPA to review and prepare accountings to Court requirements.

The bank also provides quarterly and annual statements to the Conservator of the Person, and maintains a computer system that provides daily investment cash positions for each account and lists daily transactions. The bank reviews each report to determine appropriate action, if any. The bank's trust operations unit also monitors and processes routine and non-routine disbursements.

Petitioner prays for an Order:

1. Approving, allowing and settling the second account and report of the conservatorship as filed;
2. Authorizing compensation to Conservator of the Person Edwina Woolard of \$1,800.00;
3. Authorizing compensation to Conservator of the Estate Westamerica Bank of \$17,870.03;
4. Authorizing compensation to Baker Manock & Jensen, PC, of \$39,130.50;
5. Authorizing reimbursement of costs to Baker Manock & Jensen, PC, of \$750.00;
6. Authorizing payment to Lerandean and Lerandean of \$12,862.50; and
7. Such further orders as the Court considers proper.

Atty Walker, Keith S. (of Claremont, for Nitza Peña, Administrator)

Probate Status Hearing Re: Failure to File Inventory and Appraisal and
to File a First Account or Petition for Final Distribution

Failure

DOD: 6/12/1995	<p>NITZA PEÑA, niece, was appointed Administrator with Limited IAEA on <u>12/6/1995</u> with bond fixed at \$20,000.00.</p> <p>Proof of Bond posted in the amount of \$20,000.00 was filed on 12/15/1995, and <i>Letters</i> issued on that date.</p> <p>The Inventory and Appraisal was due on <u>3/15/1996</u>. The first account or petition for final distribution was due on <u>12/15/1996</u>.</p> <p>Proof of Service by Mail – Failure to File Inventory and Appraisal was filed on 5/20/1996 indicating the notice of failure to file an inventory and appraisal, a first account or petition for final distribution was mailed to Attorney Keith Walker on 5/20/1996.</p> <p>Notice of Status Hearing filed on 7/28/2010 set a status hearing on 9/9/2010 for failure to file the inventory and appraisal, and failure to file a first account or petition for final distribution. <i>Clerk's Certificate of Mailing</i> shows the <i>Notice</i> was mailed to Keith S. Walker on 7/28/2010.</p> <p>Notes from the previous status hearings for background:</p> <ul style="list-style-type: none"> <i>Minute Order</i> dated 9/9/2010 [Judge Gallagher] states Attorney Walker represents to the Court that he lost contact with his client for a period of time but has now obtained a current address and should be able to close the estate quickly as the property has been lost. If the accounting is filed, no appearance is necessary on 12/6/2010. <i>Minute Order</i> dated 12/06/10 [Judge Hamlin] states Attorney Walker states his intention to file a Petition to Set Aside in this matter and requests a continuance. If said petition is filed, then no appearance is necessary on 1/27/2011. <i>Minute Order</i> dated 1/27/2011 [Judge Oliver] states Counsel is directed to file the inventory with the petition. If filed by 4/6/2011 and reviewed by an examiner no appearance will be necessary. <i>Minute Order</i> dated 4/6/2011 [Judge Oliver] states Mr. Walker is appearing via conference call. Counsel advises the Court that he has managed to re-establish contact with his client and has made contact with an attorney in San Diego. Counsel further advises that he will be filing a Petition for Family Allowance. <p align="center">~Please see additional page~</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from: 090910, 120610, 012711, 040611, 060711, 090611, 110811, 121311		Continued from 12/13/2011. Minute Order states Mr. Walker appears by CourtCall. Mr. Walker advises the Court that he should have the petition filed by the end of this year.
Aff.Sub.W		Note: Court records show no documents other than the Court's Minute Orders have been filed in this matter since 7/28/2010, which was the Court's status hearing to Attorney Walker.
Verified		Note: An Amended Creditor's Claim was filed in this case on 6/21/1996 by Valley Medical Center [now Community Medical Center] for \$198,043.68.
Inventory		The following issues remain:
PTC		1. Need Final Inventory and Appraisal pursuant to Probate Code § 8800.
Not.Cred.		2. Need first account, petition for final distribution, or current status report pursuant to Local Rule 7.5(B) and (C).
Notice of Hrg		Reviewed by: LEG
Aff.Mail		Reviewed on: 2/6/12
Aff.Pub.		Updates:
Sp.Ntc.		Recommendation:
Pers.Serv		File 2 - Vaughn
Conf. Screen		
Letters		
Duties/S		
Objection		
Video Receipt		
CI Report		
9202		
Order		
Aff. Post		
Stat Rpt		
UCCJEA		
Citation		
FTB Notc		

Notes from the previous status hearings for background, continued:

- *Minute Order* dated 6/7/2011 [Judge Oliver] states Mr. Walker is appearing via conference call. Counsel requests a continuance. Matter continued to 9/6/2011.
- *Minute Order* dated 9/6/2011 [Judge Oliver] states Keith Walker states that he has had a medical procedure keeping him away from court. Mr. Walker requests a continuance, stating, for example, a pending creditor's claim. The Court notes the creditor's claim and understands the matter will be finished at the next court hearing of 11/8/2011.
- *Minute Order* dated 11/8/2011 [Judge Oliver] states Mr. Walker is appearing via conference call. Mr. Walker informs the Court that he has the Petition for Family Allowance largely prepared, but needs a continuance due to medical issues. Matter continued to 12/13/2011.

			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Order Settling Third Account was signed on 12/1/11.
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 2/1/12
			Updates:
			Recommendation:
			File 3 - Enos

(1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for Distribution [Prob. C. 216; 9202; 10800; 10810; 10951; 11600; 11850(a)]

DOD: 1/1/1996			PUBLIC ADMINISTRATOR,		NEEDS/PROBLEMS/COMMENTS:
			Administrator, is Petitioner.		
			Account period: 9/13/10 – 10/31/11		Continued to 3/18/12 at the request of the attorney.
Cont. from			Accounting - \$50,000.00		<p>1. Petitioner filed a Petition for Court Authorization to Sell Real Property on 3/11/11 using a fee waiver because at the time the estate had no cash. The Petition was heard on 4/28/11 and granted. It appears that now that the property has been sold that the filing of \$395.00 should be paid as a cost of administration.</p> <p>2. Petition states beneficiary, Alfred Ford (son) is currently incarcerated and that pursuant to Probate Code 216 notice will be given to the Director of Victims Compensation and Government Claims Board. It appears that any distribution to Alfred Ford should be held until the Director of Victims Compensation has had a chance to respond to the notice. (Note: A copy of the Notice of Hearing was sent to the Director of Victims Compensation on 1/12/12.)</p>
	Aff.Sub.Wit.		Beginning POH - \$50,000.00		
✓	Verified		Ending POH - \$24,070.86		
✓	Inventory		Administrator - \$1,600.00		
✓	PTC		(statutory)		
✓	Not.Cred.		Administrator X/O - \$1,248.00		
✓	Notice of Hrg	W/	(for sale of real property and preparation of tax returns)		
✓	Aff.Mail		Attorney - \$1,600.00		
	Aff.Pub.		(statutory)		
	Sp.Ntc.		Bond fee - \$125.00 (o.k.)		
	Pers.Serv.		Court fee - \$25.50		
	Conf. Screen		(certified copies)		
✓	Letters	9/13/10	Closing - \$500.00		
	Duties/Supp				
	Objections				
	Video Receipt		Distribution, pursuant to intestate succession, is to:		
	CI Report		Larry Ford, Carmen Gant, Yvonne Ford, Shirley Shackelford, Diane Levi, Leo Ford, Tony Ford, Alfred Ford and Garfield Gilbert - \$1,688.85 each.		
✓	9202		Amanda Ford and Robert Ford, III - \$844.43 each and		
✓	Order		Louis Ireland, Lamont Ireland and Kelly Ireland - \$562.95 each.		
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
✓	FTB Notice				
					Reviewed by: KT
					Reviewed on: 2/1/12
					Updates:
					Recommendation:
					File 4 - Ford

DOD: 11/18/2009			GINO PERSICONE , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Petitioner states on 1/3/2011, this Court ordered the Decedent's Will admitted to probate and that Gino Persicone be appointed as Executor, but the Court required the posting of a bond by Gino Persicone as the personal representative.	1. If the Petition is granted will need an Amended Order for Probate without bond.
Cont. from				
	Aff.Sub.Wit.		Petitioner Gino Persicone has been unable to qualify for a bond and therefore Letters Testamentary have not issued.	Reviewed by: KT Reviewed on: 2/1/12 Updates: 2/3/12 Recommendation: File 5 - Persicone
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/O		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen		The one beneficiary of the estate, Guido Persicone who had not previously waived a bond by Petitioner has now, in an effort to move the administration of the estate along, has agreed to waive the bond.	
	Letters			
	Duties/Supp		Petitioner prays for an Order:	
	Objections			
	Video Receipt		1. That no bond be required by Gino Persicone in his capacity as Executor of the Will of Peggy Persicone, deceased; 2. That Letters Testamentary be immediately issued to said Gino Persicone.	
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Age: 81		CAROL LOPEZ , daughter, was appointed Conservator of the Person and Estate 02/09/11 and Letters were issued on 04/27/11.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 12/07/11</u> As of 02/01/12, no additional documents have been filed. 1. Need Inventory & Appraisal. <u>Note:</u> It is noted that Exhibit "C" to the document filed 12/02/11 is a copy of the "reappraisal for sale" Inventory & Appraisal that was filed in the Tulare County estate matter involving the conservatee's spouse. However, no Inventory & Appraisal of the Conservatorship Estate assets has been filed.
DOB: 05/28/30			
Cont. from 101711, 102611, 110211, 120711			
Aff.Sub.Wit.			
Verified			
Inventory	x		
PTC			
Not.Cred.		Notice of Status Hearing filed 08/23/11 set this matter for hearing on 10/17/11.	
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			Minute Order from 10/17/11 hearing continued this matter to 10/26/11.
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice		Minute Order from 10/26/11 continued this matter to 11/02/11.	
			Cover Sheet for Tulare County Reappraisal for Sale Inventory and Appraisal, Notice of Proposed Action, and Stipulation and Order Re Assets of the Estate was filed on 12/02/11.
		Minute order dated 12/07/11 states: Examiner notes are provided to counsel. The Court directs counsel to file an inventory and appraisal showing all the assets from the date of the appointment. Later and off the record, the Court continues the matter to 02/08/12.	
			Clerk's Certificate of Mailing filed 12/08/11 states that a copy of the minute order was mailed to Mr. Fanucchi on 12/08/11.
		Reviewed by: JF Reviewed on: 02/01/12 Updates: Recommendation: File 6A - Eaton	

Age: 81 DOB: 05/28/30		CAROL LOPEZ , Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 12/07/11</u>	
		Sale Price - \$135,000.00		Minute Order from 12/07/11 states:	
		Overbid - \$142,250.00		Examiner notes are provided to counsel. The Court advises counsel that it will need some assurances that the sale of the property was discussed with Esther Eaton.	
		Appraisal - \$165,000.00		As of 02/01/12 the following issues remain:	
		Reappraisal - Not Stated		1. Need Inventory & Appraisal. (See page 6A)	
Cont. from 102611, 110211, 120711		Property - 40 Philip Ave. Clovis, CA 93612		The sale price does not appear to meet the requirement that the sales price be within 90% of the appraised value (Probate Code §10309). Further, without an appraisal, the court is unable to determine if a reappraisal is necessary pursuant to Probate Code §10309. <u>Note:</u> The petition states that the property was appraised in the Estate of James R. Eaton matter and is included on an Inventory & Appraisal in that matter. However, <u>no Inventory & Appraisal has been filed in this conservatorship matter</u> , therefore the Court is unable to determine/verify the assets of the Conservatorship Estate, their value or the date that the assets were appraised.	
Aff.Sub.Wit.		Publication - Not Published (Will of deceased spouse authorizes sale)			
✓ Verified		Buyers - Fred A. Osterberg, as Trustee of the Fred A. Osterberg Survivor's Trust created under the Osterberg Family Living Trust under Declaration of Trust dated August 14, 1996.			
Inventory	X	Broker - None			
PTC		Bond - None			
Not.Cred.					
✓ Notice of Hrg					
✓ Aff.Mail	w/				
Aff.Pub.					
Sp.Ntc.					
Pers.Serv.					
Conf. Screen					
Letters					
Duties/Supp					
Objections					
Video Receipt					
CI Report					
9202					
✓ Order					
✓ Aff. Posting				Note: It is noted that Exhibit "C" to the document filed 12/02/11 is a copy of the "reappraisal for sale" Inventory & Appraisal that was filed in the Tulare County estate matter involving the conservatee's spouse. However, no Inventory & Appraisal of the Conservatorship Estate assets has been filed.	
Status Rpt					
UCCJEA					
Citation					
FTB Notice					
				Reviewed by: JF	
				Reviewed on: 02/01/12	
				Updates:	
				Recommendation:	
				File 6B - Eaton	

Atty Clark, William F (of Redondo Beach, for James Wilkinson, beneficiary – Petitioner)

Atty Knudson, David (for James Wilkinson – Petitioner)

Atty Simonian, Jeffrey (for Ross Wilkinson, Trustee)

Third Amended Petition for Account, Removal of Trustee, and Appointment of Successor

Age:		JAMES R. WILKINSON , son and beneficiary of the WILLIAM and DORTHEA WILKINSON TRUST ("Trust") is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
DOD:			
Cont. from 102511, 120811, 012512		<p>ROSS W. WILKINSON, son, is the current Trustee.</p> <p>Petitioner states that pursuant to the Trust's 4th Amendment, which is a Survivor's Trust, Trustee Ross Wilkinson ("Ross") was to exercise powers in the Trust as a fiduciary and has no power to enlarge or shift any beneficial interest in the Trust (<i>copy of Trust attached to Petition</i>).</p> <p>Petitioner states Ross has breached PrC §§16000-16001(5) by converting Trust property for his own personal use and benefit. Specifically, Ross has absconded Trust property in a minimum amount of approximately \$98,686.75, and has wrongfully paid money to his wife Cindi from the Trust, in the approximate amount of \$39,457.75 (<i>copies of Bank of America check summaries from Trust assets for the years 2007 and 2008 attached to Petition</i>).</p> <p>Petitioner further states that on 3/26/07, Ross directed \$200,000.00 to be wire transferred from the Trust's Wachovia stock account to Pacific Northwest Title Company. These funds were then used to purchase real property located in Monroe, Washington in the name of Ross and Cindi Wilkinson, and is not listed as Trust property (<i>copies of the Wachovia withdrawal attached to Petition</i>).</p> <p>Petitioner requests that Ross be relieved as Trustee to ensure that no other Trust assets are converted or misappropriated.</p> <p>Petitioner states that though the Trust provides for Petitioner to act as Trustee in Ross' place, Petitioner lives in Florida and therefore it is not practical for him to act as Trustee; therefore, Petitioner requests that Bill Bickel be appointed. Mr. Bickel is willing to act as Trustee.</p> <p>There has been no agreement between the adult beneficiaries to enter into an agreement to provide for a successor trustee pursuant to PrC §15660(c).</p> <p>Petitioner requests: 1) Ross be removed as Trustee; 2) Bruce Bickel be appointed as Trustee; 3) that Ross be compelled to submit his report of information regarding the Trust assets of the Trust, A,B, and C, and submit an accounting of his acts as Trustee from 4/8/05 to the present; 4) that Ross be compelled to address the Trust breach by repaying all monies wrongfully absconded for his own personal benefit, payable back to the Trust; 5) that Ross pay for costs incurred herein and 6) for all other orders the Court deems proper.</p> <p style="text-align: center;">SEE ATTACHED PAGE</p>	
Aff.Sub.Wit.			
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJA		
	Citation		
	FTB Notice		

Continued from 1/25/12. Minute Order states: Mr. Clark is appearing via conference call. Mr. Clark advises the Court that he will be preparing a fourth amended petition. The Court orders that there be no acceptance of any offers as to the 7800 Van Ness property pending court approval. The Court will entertain an Order Shortening Time.

[NOTE: As of 2/6/12, nothing further has been filed.]

*See Respondents' Status Report (filed 1/19/12) and Supplemental Status Report filed 1/24/12, on 3rd and 4th additional pages of these notes

1. Need Order.

Reviewed by: NRN

Reviewed on: 2/8/12

Updates:

Recommendation:

File 7 - Wilkinson

Objections to Third Amended Petition, was filed 10/24/11 by Ross W. Wilkinson ("Respondent")

Petitioner states:

- As a result of Dorothea Wilkinson's (Dorothea) death on 1/19/97 (prior to William D. Wilkinson's ("William") death on 2/3/09, the Trust was divided into 3 separate sub-trusts, Trust A - Exemption Trust ("Trust A") Trust B-Q-Tip Trust ("Trust B") and Trust C - Survivor's Trust ("Trust C") – (these three Trusts also referred to collectively as the "Wilkinson Trusts");
- A Fourth Amendment to the Trust was executed by William 4/8/05, and was entitled *Fourth Amendment to Trust Agreement –Survivor's Trust for the William and Dorothea Wilkinson Trust* ("Fourth Amendment");
- From 1/9/97 through 2/3/09, William acted as sole Trustee of Trust A and Trust B;
- From 1/9/97 through 4/8/05, William acted as sole Trustee of Trust C;
- From 4/8/05 through 2/3/09, William and Ross acted as Co-Trustees of Trust C pursuant to the Fourth Amendment;
- Since 2/3/09, Ross has acted as the sole Trustee of all three Wilkinson Trusts;
- From 1/9/97 through the date of his death on 2/3/09, William was the sole beneficiary of the Wilkinson Trusts;
- The sole beneficiaries of the Wilkinson Trusts following William's death are Petitioner James and Respondent, Ross;
- Fresno County is the principal place of administration of the Wilkinson Trusts;
- The Wilkinson Trusts are not revocable;
- Trust A holds title to an undivided 65.29% interest in real property located at 7800 N. Van Ness Boulevard, in Fresno;
- Trust B holds title to an undivided 34.71% interest in that same real property (7800 N. Van Ness, Fresno);
- Trust C is of nominal value, having been substantially depleted and exhausted during William's lifetime.

Issue of Removal of Trustee/Reappointment of Successor Trustee

- Petitioner's *Third Amended Petition* raises the issue of the removal of the Trustee and reappointment of a successor trustee for the first time; this issue was not presented in the original *Petition for Account* filed 3/21/11, nor was it raised in the *Amended Petition for Account* filed 5/18/11. As such, *Notice of Hearing* is required pursuant to PrC §17203 and Rule 7.53(a) of the CRC, however, no such *Notice of Hearing* has been provided to or served on Respondent; and similarly, no *Notice of Hearing* has been provided to or served on other parties interested in these proceedings, and specifically including those parties named to act as successor Trustee under the Trust terms (PrC §17203(a)(1);
- Furthermore, the copy of the *Third Amended Petition* sent to Respondent's attorney did not have a verification attached as required under PrC §1021 and finally, the *Third Amended Petition* fails to list the names and last known addresses of all vested and contingent beneficiaries of the Wilkinson Trust as required under Rule 7.903 of the CRC;
- There has been no agreement between the adult beneficiaries of the Wilkinson Trusts to provide for a successor trustee, and signed declination to act as Trustee by Petitioner James has not been filed (James is named as successor trustee);
- Petitioner's interpretation of the Wilkinson Trusts concerning the removal of Respondent as Trustee and appointment of a successor trustee is incorrect. Pursuant to the Trust, Trusts A and B are irrevocable upon formation and therefore matters regarding the removal of the Trustee and appointment of successor Trustee are controlled by the Trust as executed by Dorothea and William on 4/9/92; said Trust specifically names Jane Morton as successor Trustee of Trusts A and B and if unable, unwilling or fails to serve, Union Bank is specifically named;

SEE ATTACHED PAGE

CONT'D:

- Respondent therefore objects to the appointment of Bruce Bickel as successor trustee for Trusts A and B as he is not named in the trust instrument and as neither Jane Morton nor Union Bank have been provided notice of these proceedings and as neither has declined to accept their appointment;
- Respondent further objects to the appointment of Bruce Bickel as the *Third Amended Petition* fails to disclose his fee schedule for fiduciary services, the manner in which his compensation is determined, and it is unknown whether Mr. Bickel will charge an hourly rate or a percentage fee for his services;
- With respect to Trust C (a revocable Trust), the Trust provides that William had the right, during his life, to modify, amend, or revoke the provision of Trust C; William in fact exercised that right on 4/8/05 with the Fourth Amendment;
- Pursuant to that Amendment, Respondent Ross has the sole power to designate a successor Trustee of Trust C, without Court approval; Respondent has not declined to exercise this power, and reserves this right in the event he (Respondent) is removed as Trustee; furthermore, Petitioner has made no attempt to reach an agreement with Respondent to appoint a successor Trustee;
- If Ross is removed as Trustee of Trust C and is either not entitled to designate a successor trustee for Trust C or if he declines to do so, appointment of successor trustee should be consistent with the settlors' wishes as expressed in the Trust with respect to Trusts A and B –to wit, Jane Morton and Union Bank, after having been provided notice of these proceedings – as well as for the reason of convenience of administration since Trust C is of nominal value.

Allegations regarding Respondent's violation of his Fiduciary Duties as Trustee

- Respondent confirms Petitioner's allegation that \$200,000.00 was wired from Wachovia Securities on 3/26/07, in the name of the Trust to Pacific Northwest Title Company;
- Said funds were used to purchase real property in Washington State and title is held by Respondent;
- Acquisition of the property was part of a tax-free exchange by Respondent that involved the sale of another piece of real property;
- Said action however was taken with the knowledge and consent of William, Co-Trustee of Trust B and sole beneficiary of Trust B;
- The transfer of these funds was intended as a short-term unsecured loan to Respondent until the tax-free exchange involving Respondent was completed;
- In fact, the *Third Amended Petition* fails to disclose that on 7/2/07, \$160,000.00 was wire transferred at Respondent's direction to the Wachovia Securities account in the name of Trust B, in partial payment of the unsecured loan, and received by Respondent at the completion of the tax free exchange (copy of said \$160,000.00 transfer from Respondent to Wachovia attached to *Objections* as Exh. A);
- Respondent attaches to his *Objections* (as Exh. B) a list of disbursements totaling \$44,252.91 made from the Wilkinson Trusts and/or assets the source of which can be traced to the assets of the Wilkinson Trusts during the time period in question, and acknowledged by Respondent to be to and/or for Respondent or Respondent's spouse's benefit;
- However, all other amounts distributed to Respondent or his spouse during William's life from the Wilkinson Trusts (and set forth in Exhibits B and C to Petitioner's *Third Amended Petition*) were used primarily for the care and benefit of William and /or for maintenance of the Trust assets during William's life and in accordance with the terms and provisions of the Wilkinson Trusts;

SEE ATTACHED PAGE

- These disbursements as identified in Petitioner's Exhibits B and C indicate they were payments to "Emily Alonzo" or are designated in the notes as "Emily" – were, in fact, used to provide for William's care in accordance with the Wilkinson Trusts;
- Amounts distributed to Respondent or to his spouse during William's lifetime from the Trusts or from assets traceable to the Trusts equaled or did not exceed those distributions from the Trusts made to Petitioner James;
- Respondent attaches to his *Objections* (as Exh. C) a list of disbursements made to James from 4/8/05 (when Respondent was appointed Co-Trustee) through to William's death on 2/3/09; these disbursements total \$156,238.74 (this is not a complete list, however Respondent is in the process of completing a trust accounting for that stated time period as ordered by this Court);
- Additionally, Respondent is currently preparing a trust accounting for the period 2/3/09 – 6/30/11; Respondent believes said accounting can be completed within the next two weeks for Petitioner's review and filing with the Court;
- Respondent is entitled to reasonable compensation for his services as Trustee and as Co-Trustee during the period 4/8/05 to the present and has not received any compensation to date for his fiduciary services;
- To the extent the trust accounting shows disbursements for Respondent's benefit exceeding disbursements to Petitioner James, such amount can be offset against the reasonable compensation to which Respondent is entitled;
- Since William's death, Respondent has performed his fiduciary duties as required by law, including making regular disbursements of trust income and principal to the trust beneficiaries in accordance with the Wilkinson Trusts; as stated the primary asset of the Wilkinson Trusts is real property on Van Ness Boulevard in Fresno, which Respondent has listed for sale;
- To date, only one offer has been received at substantially less than the asking price;
- Removal of Respondent as Trustee is neither warranted nor necessary to protect the Trust or the beneficiaries, and appointment of a professional fiduciary will only serve to increase Trust expenses;
- If the Court orders Respondent to repay any monies disbursed to Respondent for his benefit (or his spouse's), Petitioner should similarly be ordered to repay all monies disbursed to Petitioner for his benefit.

Respondent prays:

1. All of relief prayed for by Petitioner James excluding Respondent's obligation to provide an accounting for Trust activities on or after 4/8/05 be denied and the *Third Amended Petition* be dismissed;
2. Petitioner be ordered to provide proper notice of the date and time for hearings of these proceedings to all Trust beneficiaries and all other interested parties including, parties named under the Trust to act as successor Trustee of Trusts A and B;
3. Petitioner be ordered to amend his *Third Amended Petition* to comply with the applicable Rules of Court;
4. Petitioner be ordered to pay all costs incurred herein by Respondent, including Respondent's attorney's fees, or alternatively, that Respondent be entitled to reimbursement from Trust assets for said costs.

Respondent Trustee's Status Report, filed 1/19/12, states:

- At the 10/25/11 hearing, the Court ordered accountings for the Wilkinson Trusts for two account periods (4/5/05-1/31/09 and 2/1/09-7/13/11), and pursuant to a stipulation of the parties, these accountings were to be filed 7 days before the 1/25/12 hearing;
- Respondent attaches both Court-ordered accountings for the Wilkinson Trusts, for review by the Court and Petitioner's counsel; however, due to the length of the first account period and the number of transactions involved with respect to the three trusts, Respondent's counsel has not been able to include all of the information in each accounting for the joint account that was maintained during the account period by Respondent and William Wilkinson as that information is still being reviewed to appropriately characterize and allocate the receipts received and disbursements made. Respondent's counsel believes he will complete the accountings by the 1/25/12 hearing. However, this Status Report is provided to inform the Court as to the above status given the stipulated filing date (7 days prior to the hearing).

See attached page

Respondent's Supplement to Status Report, filed 1/24/12, states:

- Respondent was ordered on 10/25/11 to provide Petitioner with an accounting for the disposition of any funds or accounts the source of which can be traced to either Trust A, B, or C, from 4/4/05 through the date of the account;
- Respondent attaches as Exhibit A an accounting for the Bank of America Joint checking account, held in both Petitioner and Respondent's names, for the period 12/15/06-12/18/09;
- A portion of the deposits made to this checking account can be traced to Wachovia Securities Account #6651 held in the name of Wilkinson Trust C. Respondent is in the process of obtaining additional account statements for the Bank of America account for the time period prior to 12/15/06, and will provide a further account for activities prior to that date when statements are received;
- In preparing the Bank of America accounting it was discovered that a deposit to Wachovia Securities reported on Schedule B of the 4/1/05-1/31/09 accounting (attached to prior Status Report) was incorrectly characterized as a "miscellaneous receipt" in the amount of \$21,169.58, received 11/28/07 from the Winifred Petersen Residual Trust. This deposit however should have been characterized as a payment by Ross Wilkinson against the unpaid principal balance of the unsecured loan reported on Schedule G of the Accounting, as the source of the deposit can be traced to Ross Wilkinson;
- As such, pages 1,8,17, and 18 of the Trustee's Accounting for the 4/1/05-1/31/09 period have been revised, and are attached to this Supplemental Status Report as Exhibit B;
- Additionally, in order to reflect the changes to the 4/1/05-1/31/09 account, it was necessary to correct the beginning and ending balance of the unsecured loan to Ross Wilkinson reported in the Accounting for the 2/1/09-7/31/11 Accounting – and attached as Exhibit C are the revised pages to this 2/1/09-7/31/11 Accounting.

(1) First and Final Report of Personal Representative and (2) Petition for Final Distribution and (3) Allowance of Commissions and Attorney's Fees on Waiver of Accounting (Probate Code 12200)

DOD: 4/3/2009			JACK BEDOIAN , Executor, is petitioner. Accounting - \$118,102.76 Beginning POH - \$118,102.76 Ending POH - \$118,108.76 Executor - \$4,542.08 (statutory) Attorney - \$4,542.08 (statutory) Costs - \$866.50 (filing fees, certified copies) Distribution, pursuant to Decedent's Will, is to: Jack Bedoian, as Trustee of the Albert Bedoian and Alice Bedoian Revocable Living Trust Agreement - 184.609 units of Dreyfus Fund and \$107,079.52	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
✓	Inventory			
✓	PTC			
✓	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters	6/20/11		
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
✓	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
✓	FTB Notice			

Reviewed by: KT
Reviewed on: 2/8/12
Updates: SUBMITTED
Recommendation:
File 8 - Bedoian

Atty LeVan, Nancy J. (for Demetria Mijangos – daughter/Petitioner)

ProPer Villareal, Monica (pro per – Petitioner/objector)

Atty Kruthers, Heather (for Public Administrator)

Petition to Revoke Probate of Will and for Instructions to Public Administrator (Original Exhibit Attached)

DOD: 05/11/11		<p>MONICA VILLAREAL, daughter, is Petitioner.</p> <p>On 07/26/11, Demetria Mijango's, decedent's daughter, filed a petition for probate to be appointed Administrator with Will Annexed and admit decedent's Will dated 11/06/08 to Probate.</p> <p>On 08/08/11, Monica Villareal, filed a Declaration in Opposition to Demetria Mijango's Petition for Probate.</p> <p>On 08/30/11 the Court appointed the Public Administrator as Administrator of the Estate.</p> <p>On 09/16/11, Monica Villareal filed this Petition to Revoke Probate of Will and For Instructions to Public Administrator. The Petition states that at the hearing on 08/30/11 another daughter of the decedent, Ruth Reyes, presented a holographic Will of the decedent dated 02/09/09 that leaves the entire estate to Ruth Reyes. Also presented was a handwritten note by the decedent declaring that the deed she signed giving joint tenancy to Demetria and Jose Mijangos was a product of fraud and undue influence. The note further completely disinherits the Mijangos. Ms. Villareal states that the Court would not accept these documents during the 08/30/11 hearing, but states that these documents should be accepted by the Court as the decedent's last Will. Further, Ms. Villareal requests the Court to direct the Public Administrator to act on these two holographic documents.</p>	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> See Page 9B for related matter.	
Cont. from 102411, 011812			<u>CONTINUED FROM 01/18/12</u> Minute order from 01/18/12 hearing states: Ms. LeVan requests that the petition be dismissed for lack of service. The Court defers the ruling to Judge Oliver. The Court directs Monica Villareal to pay the insurance and property taxes within 10 days of the receipt of the letter.	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail		w/o	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order		x	
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: JF Reviewed on: 01/31/12 Updates: Recommendation: File 9A - Corrales		

Atty LeVan, Nancy J. (for Demetria Mijangos – daughter/Petitioner)

ProPer Villareal, Monica (pro per – Petitioner/objector)

Atty Kruthers, Heather (for Public Administrator – Administrator with Will Annexed.)

Status Hearing

DOD: 05/11/11		<p>DEMETRIA MIJANGOS, daughter, filed a Petition for Probate to be appointed Administrator with Will Annexed and admit decedent's Will dated 11/06/08 to Probate on 07/26/11.</p> <p>On 08/08/11, Monica Villareal (daughter of decedent), filed a Declaration in Opposition to Demetria Mijango's Petition for Probate.</p> <p>On 08/30/11 the Court appointed the Public Administrator as Administrator of the Estate.</p> <p>On 09/16/11, Monica Villareal filed a Petition to Revoke Probate of Will and For Instructions to Public Administrator See Page 9A).</p> <p>Minute Order dated 09/29/11, continue the matter to 10/24/11 and states: The Court is informed that a holographic [Will] has been found that leaves everything to Ruth Reyes. Monica Villareal informs the Court that there is no insurance on the property and her mother didn't have it insured. Ms. Kruthers advises the Court that there is no cash in the estate and the Public Administrator has no funds to provide insurance. The Court directs Ms. LeVan to assist her client in obtaining homeowners insurance. The Court advised Monica Villareal that she will need to pay 1/3 of the homeowners insurance. The Public Administrator is dismissed from providing further services in this matter.</p> <p>Minute Order from 10/24/11 hearing set this matter for status on 01/18/12 and states: The Court directs Monica Villareal to provide Ms. LeVan copies of the Holographic Will and the Quitclaim. Ms. LeVan advises the Court that her client has obtained Farmers Insurance. The Court orders Monica Villareal to pay 1/3 of the insurance. The Court appoints the Public Administrator as Administrator with Will Annexed. The Court notes for the record that it is waiving bond given that the Public Administrator is being appointed. The Court orders that no property be sold or distributed pending further order of the Court. The Court directs that the Public Administrator be advised that the 2009 Will needs to be reviewed. Counsel is directed to submit a revised order.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/18/12</u> As of 01/31/12, no additional documents have been filed and the following issues remain:</p> <p>1. Need Proof of Holographic Instrument regarding Will dated 02/01/09. On 10/24/11, the Court appointed the Public Administrator as Administrator with Will Annexed and directed the Public Administrator to review the 02/01/09 holographic Will which appears to have superseded the Will dated 11/06/08. It does not appear that an order has been submitted or signed and Letters have not issued to the Public Administrator for this Will. Previous Letters were issued to the Public Administrator on 09/12/11 for the Will dated 11/06/08; however the Public Administrator was dismissed with regard to that Will on 09/29/11.</p>
Cont. from 011812			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: JF
Reviewed on: 01/31/12
Updates:
Recommendation:
File 9B - Corrales

Petition for Letters of Administration; Authorization to Administer Under IAEA
(Prob. C. 8002, 10450)

DOD: 6/13/2011		JASON SNYDER , nephew, is petitioner and requests appointment as Administrator without bond. All heirs waive bond. Full IAEA – o.k. Decedent died intestate. Residence: Coalinga Publication: Fresno Business Journal Estimated Value of the Estate: Personal property - \$400,000.00 Income - \$ 4,000.00 Real property - \$ 30,000.00 Total - \$434,000.00 Probate Referee: RICK SMITH	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
✓	Aff.Mail W/O		
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: KT Reviewed on: 2/1/12 Updates: Recommendation: SUBMITTED File 10 - Snyder	

Age: 15 years DOB: 8/28/1996		Temporary of the Person only Granted Ex-Parte by Judge Robert Oliver on 1/25/12.	NEEDS/PROBLEMS/ COMMENTS:
		<u>TEMPORARY EXPIRES 2/8/12</u>	Please see related case (this minor's sibling) on page 13.
		<u>GENERAL HEARING 3/27/12</u>	
Cont. from		BRANDY GROTEWOLD-ALVEY, stepmother, and RAYMOND ALVEY, paternal grandfather, are Petitioners and request appointment as temporary guardians of the person and estate without bond.	1. Petitioners request appointment as guardian of the estate. Petition states guardianship of the estate is necessary to collect Social Security benefits for the minor. Social Security benefits can be collected without the need for a guardianship of the estate.
	Aff.Sub.Wit.		
✓	Verified	Estimated Value of the Estate: Minimal.	
	Inventory		
	PTC	Father: RONALD ALVEY – deceased	
	Not.Cred.		
✓	Notice of Hrg	Mother: TIFFANY ZACK – personally served on 1/26/12.	
	Aff.Mail		
	Aff.Pub.	Paternal grandmother: Susan Alvey Maternal grandfather: Earl Zack Maternal grandmother: Raylene Zack	
	Sp.Ntc.		
✓	Pers.Serv.	Minor: Ronee Alvey consents and waives notice.	
	Conf. Screen		
✓	Letters	Petitioners state the children have resided primarily with their father and step-mother for the past 7 ½ years. After the father's death on 11/13/2011 the children continued to reside with their stepmother [Petitioner] with the mother's consent. There are serious concerns regarding the mother's ability to provide care and support to the children. The mother's past and present are plagued with concerns regarding her use and abuse of drugs and alcohol. The mother's Facebook page displays one of her activities as "Cannibis." Additionally several of her posts reference drinking, including but not limited to her post on June 29, 2011 which states, "it all about memememememe...i know what I am going to get drunk drunk drunk for the nex two days yayayayayayaya if nobody like it then they kiss my ass...." This post was made even though the mother is "friends" with her daughter Ronee, and Ronee can see these posts. Ronee commented on this specific posting made by the mother.	
✓	Duties/Supp		
	Objections	Reviewed by: KT	
	Video Receipt		
	CI Report	Reviewed on: 2/1/12	
	9202	Updates: 2/3/12	
✓	Order	Recommendation:	
	Aff. Posting	File 12 - Alvey	
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

Petition for Appointment of Temporary Guardian of the Person and Estate (Prob. 1510)

Age: 13 years DOB: 8/6/1998		<p>Temporary of the Person only Granted Ex-Parte by Judge Robert Oliver on 1/25/12.</p> <p><u>TEMPORARY EXPIRES 2/8/12</u></p> <p><u>GENERAL HEARING 3/27/12</u></p> <p>BRANDY GROTEWOLD-ALVEY, stepmother, and RAYMOND ALVEY, paternal grandfather, are Petitioners and request appointment as temporary guardians of the person and estate without bond.</p> <p>Estimated Value of the Estate: Minimal.</p> <p>Father: RONALD ALVEY – <i>deceased</i></p> <p>Mother: TIFFANY ZACK – <i>personally served on 1/26/12.</i></p> <p>Paternal grandmother: Susan Alvey Maternal grandfather: Earl Zack Maternal grandmother: Raylene Zack</p> <p>Minor: Zachary Alvey- <i>consents and waives notice.</i></p> <p>Petitioners state the children have resided primarily with their father and step-mother for the past 7 ½ years. After the father's death on 11/13/2011 the children continued to reside with their stepmother [Petitioner] with the mother's consent. There are serious concerns regarding the mother's ability to provide care and support to the children. The mother's past and present are plagued with concerns regarding her use and abuse of drugs and alcohol. The mother's Facebook page displays one of her activities as "Cannibis." Additionally several of her posts reference drinking, including but not limited to her post on June 29, 2011 which states, "it all about memememememe...i know what I am going to get drunk drunk drunk for the nex two days yayayayayayaya if nobody like it then they kiss my ass...." This post was made even though the mother is "friends" with her daughter Ronee, and Ronee can see these posts. Ronee commented on this specific posting made by the mother.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Please see related case (this minor's sibling) on page 12.</p> <p>2. Petitioners request appointment as guardian of the estate. Petition states guardianship of the estate is necessary to collect Social Security benefits for the minor. Social Security benefits can be collected without the need for a guardianship of the estate.</p>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W/
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: KT
Reviewed on: 2/1/12
Updates: 2/3/12
Recommendation:
File 13 - Alvey

Atty Kharazi, H. Ty (for Cathy Dunn Chappel, former Conservator of the Person)

Age: 7 years DOB: 12/31/03		<p>JESSE VINDIOLA, father, is petitioner.</p> <p>MARTINA VINDIOLA, paternal grandmother, was appointed guardian on 12/15/09.</p> <p>Mother: CHRISTINA MARIE QUINOINES.</p> <p>Paternal grandfather: Adrian Vindiola Maternal grandfather: Randy Vidal Maternal grandmother: Teresa Frajo</p> <p>Petitioner states he had an agreement with the guardian that once he got his life in order he would get his daughter back.</p> <p>Court Investigator Dina Calvillo's Report filed 12/8/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 12/13/11. Minute order states the court orders visitation to continue with father.</p> <ol style="list-style-type: none"> Consent and Waiver of Notice portion of the Petition includes a signature of Martina Vindiola. The signature on the Petition does not appear to be the same signature as all the other documents signed by Martina Vindiola in the file. Need <i>Notice of Hearing</i>. Need proof of service of the <i>Notice of Hearing or Declaration of Due Diligence</i> on: <ol style="list-style-type: none"> Martina Vindiola (if the court determines she did not sign the consent and waiver of notice on the petition.) Christina Quinoines (mother) Adrian Vindiola (paternal grandfather) Randy Vidal (maternal grandfather) Teresa Frajo (maternal grandmother)
Cont. from 121311			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
Reviewed by: KT			
Reviewed on: 2/1/12			
Updates:			
Recommendation:			
File 15 - Vindiola			

Atty Puentes, Jessica Lissette (pro per – maternal aunt/Petitioner)
 Atty Jackson, Aaron Jerome (pro per – maternal uncle/Petitioner)
 Atty Vindiola, Jesse (pro per – Xavier's father/objector)
 Atty Bustos, Alfredo (pro per – Jennaszie's father/objector)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Jennaszie, 13 DOB: 12/31/98		<p align="center"><u>TEMPORARY EXPIRES 02/08/12</u></p> <p>JESSICA PUENTES and AARON JACKSON, maternal aunt and uncle, are Petitioners.</p> <p>Mother: JENNIFER PUENTES, <i>deceased</i></p> <p>Father (Jennaszie): ALFREDO BUSTOS Father (Xavier): JESSE VINDIOLA, <i>declaration of due diligence filed 05/20/11</i> Father (Richard & Ricaso): RICHARD HAYNES, <i>deceased</i></p> <p>Paternal grandfather (all children): UNKNOWN Paternal grandmother (Jennaszie): MARY MORALES Paternal grandmother (Xavier): MARTHA VINDIOLA Paternal grandmother (Richard & Ricaso): MARILYN FIELDS</p> <p>Maternal grandfather: MICHAEL CHATMAN, <i>deceased</i> Maternal grandmother: MARGARITA PUENTES</p> <p>Petitioners state that the mother of the children is deceased, father of Richard & Ricaso is also deceased, and the fathers of Jennaszie & Xavier have not been in the children's lives. Petitioners want to keep all of the children together.</p> <p>Objection of Jesse Vindiola filed 06/02/11 states that he objects to the guardianship of his son Xavier Vindiola. He states that he wants and needs his son in his life.</p> <p>Objection of Alfredo Bustos filed 07/15/11 states that he objects to the guardianship of his daughter Jennaszie and wants her to come and live with him. He states that he will not keep her from her siblings, but feels now more than ever she needs her father. He states that he has turned his life around, house a job and a home with his wife. He states that he is able to provide a safe and loving home for his daughter.</p> <p>Court Investigator Julie Negrete's report was filed 07/12/11.</p> <p>Court Investigator Julie Negrete's supplemental report was filed 08/08/11.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 08/10/11</u> Minute order from 08/10/11 states: Mr. Vindiola advises the Court that he is living with his uncle. Mr. Vindiola submits a letter from CAP to the Court which is accepted and filed. The Court orders that Alfredo Bustos and Jessica Puentes continue and expand the visitation with Jennaszie as she may allow. As to Jesse Vindiola, visitation with the minor is to be arranged between Ms. Puentes and the paternal grandmother. The Court orders that no party speak critically of the other. The Court extends the temporary to 02/08/12. Ms. Puentes provides the following counselors names to the Court: Cynthia Burton and Kathleen Solano at 229-3561 with a location of 3795 E. Shields, Fresno.</p> <p>As of 02/01/12, no additional documents have been filed and the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Appointment of Guardian or Consent and Waiver of Notice or Declaration of Due Diligence</i> on: <ul style="list-style-type: none"> - Alfredo Bustos (Jennaszie's father) - Jesse Vindiola (Xavier's father) 3. Need proof of mail service at least 15 days before the hearing of <i>Notice of Hearing</i> along with a copy of the <i>Petition for Appointment of Guardian or Consent and Waiver of Notice or Declaration of Due Diligence</i> on: <ul style="list-style-type: none"> - Mary Morales (Jennaszie's paternal grandmother) - Martha Vindiola (Xavier's paternal grandmother) - Marilyn Fields (Richard & Ricaso's paternal grandmother) - Margarita Puentes (maternal grandmother) - Paternal grandfathers (all children) – <u>Note</u>: Declaration of Due Diligence filed regarding Richard & Ricaso's paternal grandfather states that he is unknown. <p align="center">See Page 2 for more information</p>
Xavier, 11 DOB: 09/07/2000			
Richard, 7 DOB: 06/04/04			
Ricaso, 4 DOB: 08/23/07			
Cont. from 072011, 081011			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	X	
<input type="checkbox"/>	Aff.Mail	X	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	X	
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Notes:

Jennaszie's father, Alfredo Bustos, filed letters of reference from his pastor and his employer on 07/15/11.

Xavier's father, Jesse Vindiola, filed letters and certificates of completion from the rehabilitation and counseling programs he has completed on 07/19/11 and a letter from Comprehensive Addiction Programs, Inc. verifying that he entered a parenting class on April 14, 2011 and had completed 13 sessions of Nurturing parenting classes and will receive a certificate at completion of the 14 week session.

Atty Lopez, Irma (pro per Petitioner/sister)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Felix age: 17 years DOB: 5/28/1994		<p>THERE IS NO TEMPORARY. No Temporary was requested.</p> <p>IRMA LOPEZ, sister, is petitioner.</p> <p>Father: DELFINO LOPEZ</p> <p>Mother: ELODIA GOMEZ</p> <p>Paternal grandfather: Antonio Lopez</p> <p>Paternal grandmother: Marta Lopez</p> <p>Maternal grandfather: Juan Lopez</p> <p>Maternal grandmother: Antonia Garcia</p> <p>Petitioner states she needs guardianship so that the children can keep going to school and someone like their parents to show them love.</p> <p>Court Investigator Jennifer Daniel's Report filed on 2/1/2012</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of personal service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition</i> or <i>Consent and Waiver of Notice</i> or <i>Declaration of Due Diligence</i> on: <ol style="list-style-type: none"> a. Delfino Lopez (father) b. Elodia Gomez (mother) c. Felix Lopez (minor) d. Juana Lopez (minor) e. Noel Lopez (minor) 3. Need proof of service of the <i>Notice of Hearing</i> along with a copy of the <i>Petition</i> or <i>Consent and Waiver of Notice</i> or <i>Declaration of Due Diligence</i> on: <ol style="list-style-type: none"> a. Antonio Lopez (paternal grandfather) b. Marta Lopez (paternal grandmother) c. Juan Lopez (maternal grandfather) d. Antonia Lopez (maternal grandmother) 4. UCCJEA is incomplete. Need each minor's residence information for the past 5 years.
Juana age: 15 years DOB: 9/13/1996			
Noel age: 12 years DOB: 2/13/1999			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT
Reviewed on: 2/2/12
Updates:
Recommendation:
File 17 - Lopez

Age:		<p align="center"><u>TEMPORARY EXPIRES 02/08/12</u></p> <p>ROSA MARIA CASAREZ, paternal grandmother, is Petitioner.</p> <p>Father: JESUS CASAREZ DIAZ – <i>consent & waiver of notice filed 12/19/11; father also signed a limited power of attorney authorizing petitioner to make decisions regarding the minor</i></p> <p>Mother: CORINA SALINAS DIAZ – <i>court dispensed with further notice on 12/20/11</i></p> <p>Paternal grandfather: GUILLERMO DIAZ</p> <p>Maternal grandfather: ABEL SALINAS Maternal grandmother: RITA SALINAS</p> <p>Siblings: ANGELA SALINAS (11)</p> <p>Petitioner states the mother is on drugs and moves from place to place and to hotels/motels, and she leaves the child outside of her room while she is inside using drugs. Petitioner states the mother is a bulldog gang member and the father is in prison. Petitioner states the mother has not sent the child to school on a regular basis, and the child recently brought to Petitioner's attention that he was hit by someone while in his mother's care and had black eyes and a swollen nose. Petitioner would like to take him to the doctor to check his injuries. Petitioner states the child has always had to sleep on the floor and the mother has never taken care of his needs, and she sells her food stamps and uses her welfare money on drugs. Petitioner states the child had been given to her in the past and she had custody of him when he was two years old due to the same abuse. Petitioner states she seeks guardianship to provide the child with a home and to meet his healthcare needs.</p> <p>Court Investigator JoAnn Morris' report was filed 02/02/12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Guardianship</i> <u>or</u> Consent and Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> - Guillermo Diaz (paternal grandfather) - Abel Salinas (maternal grandfather) - Rita Salinas (maternal grandmother)
DOD:			
Cont. from			
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	x		
Aff.Mail	x		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	n/a		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Age: 3	<u>NO TEMPORARY IN PLACE;</u>		NEEDS/PROBLEMS/COMMENTS:
DOB: 12/09/08	<u>TEMPORARY DENIED 12/19/11</u>		
	MARIANITA AGUILAR , maternal grandmother, is Petitioner.		<ol style="list-style-type: none"> Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Leann Trevino (mother) - Jaime Trevino (father) *Note: Declaration attached to proof of service by mail to father states that the prison where the father is incarcerated would not personally serve the documents to Mr. Trevino and advised petitioner to mail the documents. Documents were mailed on 01/24/12. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Guardianship or Consent and Waiver of Notice or Declaration of Due Diligence</i> for: <ul style="list-style-type: none"> - Frank Trevino (paternal grandfather) - Joann Trevino (paternal grandmother/biological) - Gloria Escobar (paternal grandmother/step, also appointed Guardian in Texas) - Leonard Aguilar (maternal grandfather)
	Father: JAIME M. TREVINO – <i>currently incarcerated, served by mail on 01/24/12</i>		
Cont. from	Mother: LEANN J. TREVINO		
Aff.Sub.Wit.	Paternal grandfather: FRANK TREVINO		
✓ Verified	Paternal grandmother: JOANN TREVINO (biological) - GLORIA ESCOBAR (step-grandmother)		
Inventory	Maternal grandfather: LEONARD C. AGUILAR, JR.		
PTC	Petitioner states that the father is in prison in Texas and the mother is not stable and unfit to care for Sariah. Petitioner states that CPS has been involved due to personal problems of the mother and paternal grandmother.		
Not.Cred.	Declaration of Gloria Escobar filed 12/14/11 attaches an order dated 12/09/11 from Harris County Texas in which Gloria Escobar was granted custody of Sariah and Leann Trevino was granted supervised visitation and various other documents.		
✓ Notice of Hrg	Court Investigator Julie Negrete's report was filed 01/24/12.		
✓ Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			
			Reviewed by: JF
			Reviewed on: 01/31/12
			Updates:
			Recommendation:
			File 19 - Trevino

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Age: 6 years DOB: 02/06/06		<u>GENERAL HEARING 3/28/12</u>		NEEDS/PROBLEMS/COMMENTS: 1. It appears that both Mary Galaviz, custodian, and Cecilia Escheveste-Alvarado, mother, were served by substituted service and not personally served. 2. Need UCCJEA	
		<p>ALFRED DE LA CRUZ and ISABEL DE LA CRUZ, paternal grandparents, are Petitioners.</p> <p>Custodian per Family Court case no. 06CEFL04904, maternal great grandmother, MARY GALAVIZ – <i>served by substituted service on 1/28/12</i></p> <p>Father: ERIC DE LA CRUZ, <i>consent and waiver of notice filed 1/26/2012</i></p> <p>Mother: CECILIA ECHEVESTE-ALVARADO – <i>served by substituted service on 1/28/12</i></p> <p>Maternal grandmother: Rosalinda Galaviz (Silva) Maternal grandfather: Deceased.</p> <p>Petitioners state the mother was recently arrested and incarcerated on 1/23/12. The mother was living with at the current guardian's home, caring for the child, despite the current court order which says she must have supervised visitation only. The current guardian is unable to keep the child safe and care for the child properly in her home as she is ill, has recently had a heart attack and continues to allow the child to be in the care of the mother.</p>			
Cont. from					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	X			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: KT	
	Status Rpt			Reviewed on: 2/1/12	
	UCCJEA	X		Updates:	
	Citation			Recommendation:	
	FTB Notice			File 20 - Alvarado	

Age: 18 years DOB: 8/20/1993		<u>TEMPORARY EXPIRED ON 11/16/11</u>		NEEDS/PROBLEMS/COMMENTS:
		<u>GENERAL HEARING DATE VACATED</u>		
		RAYMUNDA CRUZ de SANTIAGO , cousin, is petitioner.		This matter is to be heard at 10:00 a.m.
		Raymunda Cruz de Santiago was appointed temporary guardian on 6/21/11.		
Cont. from 081511, 081711, 100511, 111611, 012512, 020112		Petitioner states she is prepared to file petition with the United States Citizenship and Immigration Services ("USCIS") on behalf of the minor, Bernardo to adjust his alien status to Special Immigration Juvenile Status. As prerequisite for this classification, a state juvenile court must first make findings which are set forth in the Judicial Council of California form JV-224, as follows:		This minor turned 18 on 8/20/2011.
		a) The child is a dependent on the juvenile court or has been legally placed under the custody of, and agency or department of a state, or an individual or entitled appointed by a state or juvenile court, within the meaning of 8 U.S.C. §1101(a)(27)(J);		
Aff.Sub.Wit.		b) Reunification of the child with one or both parents is deemed to not viable by reason of abuse, neglect, or abandonment, or by reason of a similar basis under California law; and		Continued from 2/1/2002.
Verified X		c) It is not in the best interest of the child to be returned to his or her parent's country of nationality or his last habitual residence, and it is in the child's best interest to remain in the United States.		
Inventory		The Juvenile court order, finding facts as set forth on the Juvenile Council form JV-224, is one of the initial documents that must be submitted to the USCIS in support of BERNARDO's form I-360 petition for classification as a special immigrant juvenile.		Minute order from 11/16/2011 states the matter is continued to allow the Court an opportunity to review the Points and Authorities that were submitted. The Court directs the matter placed on the 9:00 a.m. calendar to be heard at 10:00 a.m. Ex Parte Order for an Extension of Time to File Points and Authorities to 11/9/11 was signed on 11/3/11. 1. Petition was not verified. Probate Code §1021. 2. Need Notice of Hearing. Probate Code §1042. 3. Need proof of service of the Notice of Hearing or waiver of notice for Bernardo Guadalupe Aragon Hernandez (former minor)
PTC				
Not.Cred.				
Notice of Hrg X				
Aff.Mail X				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
✓ Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
				Reviewed by: KT
				Reviewed on: 1/19/12
				Updates:
				Recommendation:
				File 1 - Hernandez

Petitioner states this Court should find that BERNARDO meets the eligibility for Special Immigration Juvenile Status because his is within the jurisdiction of this Court, has been declared a dependent of this Court, and is the subject of a guardianship order issued June 20, 2011, that remains in full force and effect. In addition BERNARDO cannot be reunified with his parents because they are both deceased.

Petitioner prays for an Order:

1. That BERNARDO GUADALUPE AGAGON HERNANDEZ was found to be within the jurisdiction of the Juvenile Court under Welfare and Institutions §300 or 602; declared dependent on the juvenile court of Fresno County on June 20, 2011, and remains under this Court's jurisdiction;
2. That reunification of the minor with one or more of his parents is deemed not viable by reason of abuse, neglect or abandonment of the minor or by a reason of a similar basis under California Law;
3. That it is not in the best interest of the minor to be returned to Mexico, which was his previous country of nationality and habitual residence and that it is in the best interest of the minor to remain in the United States.

Points and Authorities in support of the Probate Court having jurisdiction to make requested findings filed on 8/16/11.

Amended Points and Authorities in support of Probate Court having jurisdiction to make requested findings filed on 8/17/11.

Supplemental Points and Authorities in Support of Request for an Order and Findings Regarding Eligibility for Special Immigration Status filed on 11/9/11.